

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

### Remarks

The present amendment responds to the final Official Action dated December 6, 2004. The Official Action rejected claims 1, 12, 13, 24-26, 28 and 37 under 35 U.S.C. 102(e) based on Chern U.S. Patent No. 6,381,465 ("Chern"). The Official Action rejected claims 2, 5, 7, 9, 11, 15-23, 27, 31, 33-36 and 38-42 under 35 U.S.C. 103(a) based on Chern in view of Tsuda U.S. Patent No. 6,233,094 ("Tsuda"). The Official Action rejected claim 8 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Kikinis U.S. Patent No. 6,389,290 ("Kikinis"). The Official Action rejected claims 3, 4, 10, 29 and 30 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Tsuda and further in view of Kikinis. The Official Action rejected claims 6 and 32 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Tsuda and further in view of Kikinis and Hashimoto U.S. Patent No. 6,338,020 ("Hashimoto"). These grounds of rejection are addressed below following a brief discussion of the present invention to provide context. Claims 1 and 26 have been amended to be more clear and distinct. Claims 1-13 and 15-42 are presently pending.

### The Present Invention

A device according to an aspect of the present invention identifies its location and uses the location information to select and request information appropriate to the location from a stored collection of information. The device presents the information in a format including a visual display. Information may suitably be retrieved from a stored collection accessible by a network, with the device identifying its location, choosing a network address such as a uniform resource locator (URL) associated with the location and relaying the network address to the network in order to retrieve appropriate information. Alternatively, the device may simply relay

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

its location to the network, so that resources within the network can identify an information element, such as a hypertext page, appropriate to the location, and transfer the information element to the device.

Information can relate to nearby objects so that a device can automatically present information relating to nearby objects of interest. The device can sense its orientation and identify addresses appropriate to a combination of location and orientation in order to retrieve information appropriate to such a combination of location and orientation. A user may thus, for example, orient the device toward an object and be automatically presented with information about that object.

#### The Art Rejections

All of the art rejections hinge on the application of either Chern standing alone or a combination of Chern and Tsuda, Chern and Kikinis, Chern, Tsuda and Kikinis or Chern, Tsuda, Kikinis and Hashimoto. As addressed in greater detail below, the cited references do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of the cited references made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

The Official Action rejected claims 1-5, 8-15, 24-30 and 33-35 under 35 U.S.C. 102(b) as anticipated by Chern. In light of the present amendments to claims 1 and 26, this ground of rejection is respectfully traversed.

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

Claim 1, as amended, claims determining a location of a device and supplying visual information to a user appropriate to that location. The information is supplied from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations. Claim 1 further claims monitoring the location of the device as the location of the device changes and automatically updating the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of the device changes. Chern does not teach these features in the claimed combination. Chern teaches the answering of user queries and the providing of alerts and information to a user through a device. The answering of queries and the providing of alerts may involve knowledge of the location of the device, but the location of the device is used as a reference point, and the information supplied relates to a range of locations within a relatively wide radius of the device. For example, Chern teaches that the device may respond to user queries about points of interest within a distance from the device, to provide driving directions or to provide traffic alert information or route recalculation in response to traffic conditions along a route to a user's destination, with information relating to a user's location being taken into account in triggering alerts or route recalculation. In addition, Chern teaches attachment of advertisements to alert messages transmitted to a user. The content of the advertisements may take a user's location into account.

None of these uses of location information, or other uses of location information taught by Chern, however, achieves monitoring of a location of a device automatically updating the

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

visual information supplied to a user as the location of the device changes so that new elements of a collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of the device changes. Chern typically uses location information for a user to define a focal point of an area of interest, and supplies information relating to objects, events or conditions within that area of interest. For example, Chern may supply information relating to restaurants within five miles of a user's location, or relating to traffic obstructions within 20 miles ahead of the user along the user's chosen route. Chern does not monitor the location of a device so as to provide new information elements associated with locations in proximity to the location of the device, as does claim 1, as amended. The invention of claim 1, as amended, allows a user to be provided with information that is more closely related to the user's location than does Chern. Claim 1, as amended, therefore defines over the cited art and should be allowed.

Claim 26, as amended, claims means for determining a location of the device. The means for determining the location of the device is operative to update the determination of the location of the device as the location of the device changes. Claim 26 further claims means for supplying visual information to a user appropriate to the location of the device from a collection of information stored on the information network. Various elements of the collection of information are associated with specific locations. The means for supplying visual information to the user is operative to automatically update the visual information supplied to the user as the location of the device changes so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location of

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

the device changes. For the reasons stated above with respect to claim 1, Chern does not teach automatically updating visual information supplied to a user so that new elements of a collection of information associated with locations in proximity to a location of a device are supplied to a user as the location of the device changes. Claim 1, as amended, therefore defines over the cited art and should be allowed.

The Official Action rejected claims 2, 5, 7, 9, 11, 15-23, 31, 33-36 and 38-42 under 35 U.S.C. 103(a). Claims 2, 5, 7, 9, 11 and 15-23 are dependent claims having claim 1 as a base claim and claims 27, 31, 33-36 and 38-42 are dependent claims having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable, claims 2, 5, 7, 9, 11, 15-23, 31, 33-36 and 38-42 should also be allowed.

In addition, Claim 2 claims determining orientation of a device and supplying information in accordance with that orientation and claim 27 claims means for determining orientation of a device and means for supplying information in accordance with that orientation. The Applicants respectfully traverse the proposition that Tsuda teaches determining the orientation of a device and supplying information in accordance with that determination. Col. 8, lines 32-45 of Tsuda teach providing position information for one binocular to another binocular. The information provided to one binocular may include information such as distance, altitude difference and azimuth angle, and this information may be helpful in positioning one binocular so as to bring another binocular into view. However, this information does not depend on the orientation of either binocular. Col. 10, lines 53-55 of Tsuda refer to position information, not orientation. Applicant's specification, page 7, lines 10-11 refer to a way to use the present invention, not to

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

prior art. The specification reads "used in this way, a device 12 such as a web-enabled mobile telephone or other similar device has a mobile "point and push" facility." That is, the teachings of the present invention relating to determining the orientation of a device and the supplying of information in accordance with that orientation may be employed in a telephone or other similar device. Tsuda does not teach supplying information in accordance with the orientation of a device, because Tsuda supplies information relating to positions, not orientations. For these reasons, and because claims 2 and 27 depend on allowable claims, claim 2 defines over the cited art and should be allowed.

The Official Action rejected claim 8 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Kikinis. Claim 8 is a dependent claim having claim 1 as a base claim. Because claim 1, as amended, has been shown to be allowable, claim 8 should also be allowed. In addition, the Applicants respectfully disagree with the proposition that Kikinis teaches orientation about a vertical axis. Kikinis teaches the use of a keypad to indicate a geographical direction, and discusses the use of geographical direction information in the context of direction of travel. For example, a user may press the numeral "1" on a keypad to indicate a northwesterly direction of travel. However, such an indication does not provide information about the orientation of the device. Orientation means the positioning or alignment of an object or structure in a particular way, such as relative to the points of a compass or other specified points. For example, orienting of a wireless telephone toward the east might mean positioning the telephone so that the antenna of the telephone pointed in an easterly direction. On the other hand, to say that a telephone is traveling in an easterly direction means that the telephone, as a unit, is moving in an easterly

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

direction. Such travel might take place no matter what the orientation of the telephone happened to be. Using orientation information, as claimed by claim 2, allows a device to be used as a pointer. A device can be directed toward an object and can trigger the transfer of information about that object. The use of orientation information is not taught by Kikinis, which does not discuss ways of orienting a device or events or conditions relating to the orientation of a device. Instead, Kikinis uses information relating to the direction of travel of a device. For these reasons, and because claim 8 depends on an allowable claim, claim 8 defines over the cited art and should be allowed.

The Official Action rejected claims 3, 4, 10, 29 and 30 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Tsuda and further in view of Kikinis. Claims 3, 4 and 10 are dependent claims having claim 1 as a base claim and claims 29 and 30 are dependent claims having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable, claims 3, 4, 10, 29 and 30 should also be allowed.

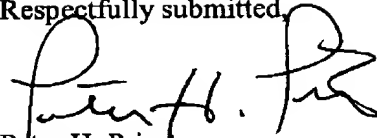
The Official Action rejected claims 6 and 32 under 35 U.S.C. 103(a) as unpatentable over Chern in view of Tsuda and further in view of Kikinis and Hashimoto. Claim 6 is a dependent claim having claim 1 as a base claim and claim 32 is a dependent claim having claim 26 as a base claim. Because claims 1 and 26, as amended, have been shown to be allowable, claims 6 and 32 should also be allowed.

#### Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Appl. No. 09/804,171  
Amdt. dated February 7, 2005  
Reply to Office Action of December 6, 2004

Respectfully submitted,



Peter H. Priest  
Reg. No. 30,210  
Priest & Goldstein, PLLC  
5015 Southpark Drive, Suite 230  
Durham, NC 27713-7736  
(919) 806-1600